

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KARENA APPLE FENG,

Plaintiff,

v.

DEPARTMENT OF HUMAN SERVICES,
FAMILY & CHILDREN'S SERVICES,

Defendant.

KARENA APPLE FENG,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
SOCIAL SERVICES CHILDREN AND
FAMILY SERVICES DIVISION, et al.,

Defendants.

Case No. 20-cv-00648-EMC

Docket No. 1, 17

Case No. 20-cv-00692-EMC

Docket No. 1, 9

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Pending before the Court is Judge Kim's report and recommendation ("R&R") to dismiss Ms. Feng's two cases for lack of subject-matter jurisdiction. *See* Docket No. 17 in Case No. 20-cv-00648-EMC; Docket No. 9 in Case No. 3:20-cv-00692-EMC.

On January 28, 2020, Karena Feng ("Ms. Feng"), proceeding pro se, filed a Petition to Confirm Arbitration Award, *see* Docket No. 1 in Case No. 20-cv-00648-EMC, and a Motion for Leave to Proceed *in Forma Pauperis*, *see* Docket No. 2 Case No. 20-cv-00648-EMC. That case named the "Department of Human Services, Family & Children's Services" as the Defendant and it is hereinafter referred to as *DHS*. Two days later, Ms. Feng filed another Petition to Confirm Arbitration Award, *see* Docket No. 1 in Case No. 3:20-cv-00692-EMC, and Motion for Leave to

1 Proceed *in Forma Pauperis*, see Docket No. 2 in Case No. 3:20-cv-00692-EMC. That case named
2 the “California Department of Social Services Children and Family Services Division” and its
3 director as Defendants and it is hereinafter referred to as *DSS*. Both cases were assigned to
4 Magistrate Judge Beeler, see Docket No. 6 in Case No. 20-cv-00648-EMC; Docket No. 5 in Case
5 No. 3:20-cv-00692-EMC, who granted Ms. Feng’s requests to proceed *in forma pauperis* (“IFP”)
6 in both cases, see Docket No. 11 in Case No. 20-cv-00648-EMC; Docket No. 7 in Case No. 3:20-
7 cv-00692-EMC.

8 However, in granting Ms. Feng’s IFP applications, Judge Beeler also reviewed the
9 Complaints for “minimal legal viability” pursuant to 28 U.S.C. § 1915(a) and (e). See R&R at 2,
10 4. In doing so, Judge Beeler found that Ms. Feng sought “confirmation” of two fake arbitration
11 awards (both in the amount of \$4.24 million) and concluded: “There are no enforceable arbitration
12 awards, and thus the case is frivolous. Also, the parties are not diverse, and thus, there is no
13 federal jurisdiction.” *Id.* at 2. The R&R was filed on March 26, 2020 in both cases, and Ms. Feng
14 was permitted until April 9, 2020 to object. In light of complications relating to mail delivery in
15 the midst of the COVID-19 pandemic, the Court has waited nearly three additional weeks to see if
16 any objections would be received from Ms. Feng; however, she has not objected to the R&R. The
17 Court has reviewed Judge Kim’s R&R and finds it thorough, well-reasoned, and correct.
18 Accordingly, the R&R is adopted as the order of the Court. Because the Court concludes that it
19 lacks subject matter jurisdiction, Ms. Feng’s pending Petitions to Confirm Arbitration Awards are
20 denied as moot.

21 This order disposes of Docket Nos. 1, 17 in Case No. 20-cv-00648-EMC and Docket Nos.
22 1, 9 in Case No. 3:20-cv-00692-EMC.

23 **IT IS SO ORDERED.**

24 Dated: April 28, 2020



EDWARD M. CHEN
United States District Judge